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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of

CARLONE et al

Serial No. 09/623,038

Filed: November 27, 2000

For: EPITOPE PEPTIDES IMMUNOGENIC AGAINST
STREPTOCOCCUS PNEUMONIAE



MAR 09 2001

TECH CENTER 1600/2900

Group Art Unit: 1614

Examiner: Vigil, S.J.

REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Centers for Disease Control and Prevention
Technology Transfer Office
Executive Park Bldg. 4, Suite 1103
MS-E67
Atlanta, GA 30329

January 30, 2001

Sir:

The Government of the United States of America, represented by the Secretary, Department of Health and Human Services, Centers for Disease Control and Prevention, is owner of an undivided part in the above-identified patent application, as evidenced by the attached Assignment from GEORGE M. CARLONE, EDWIN W. ADES, JACQUELYN S. SAMPSON, and JEAN A. THARPE, to the Centers for Disease Control and Prevention, and the attached Assignment from MARIA ANNA JULIA WESTERINK and JOAN LOUISE ZEILER to the Medical College of Ohio, which Assignments were submitted for recordation on February 1, 2001.

As a representative authorized to act on behalf of the Centers for Disease Control and Prevention, I hereby revoke all Powers of Attorney heretofore given and grant Power of Attorney to



23859

PATENT TRADEMARK OFFICE

NEEDLE & ROSENBERG, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811
(404) 688-0770

to represent the Centers for Disease Control and Prevention in connection with all matters pertaining to the above-referenced application, with full power of substitution, association and revocation, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I further grant an Associate Power of Attorney to:

Russ P. Metler	Reg. No. 45,365
Marc Filigenzi	Reg. No. 46,700
Jacqueline A. Quay	Reg. No. 47,011
Andrew Watkins	Reg. No. 38,653

to represent the Centers for Disease Control and Prevention in connection with all matters pertaining to the above-referenced application, to prosecute said application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Address all telephone calls to Gwendolyn D. Spratt, at telephone number (404) 688-0770.

Address all correspondence to:

Gwendolyn D. Spratt, Esq.
Needle & Rosenberg, P.C.
Suite 1200, The Candler Building
127 Peachtree Street, N.E.
Atlanta, Georgia 30303-1811

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The Centers for Disease Control and Prevention, Technology Transfer Office has been duly delegated responsibility for such patent matters under the authority of the memorandum dated January 31, 1997, from Donna E. Shalala, the Secretary of the Department of Health and Human Services, delegating the authority to the Heads of the Public Health Service Operating Divisions, as well as a memorandum dated October 12, 2000, from Jeffrey P. Koplan, M.D., M.P.H., the Director of the Centers for Disease Control and Prevention (who is a Head of a Public Health Service Operation Division), delegating authority to sign this Power of Attorney to the Associate Director for Science and the Director of the Technology Transfer Office of the Centers for Disease Control and Prevention. The undersigned is authorized to exercise such authority in this manner.

Executed on FEBRUARY 12, 2001, at Atlanta, Georgia.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES



Andrew Watkins
Director, Technology Transfer Office
Centers for Disease Control and Prevention (CDC)
1600 Clifton Road NE (E67)
Atlanta, GA 30333
(404) 639-6270

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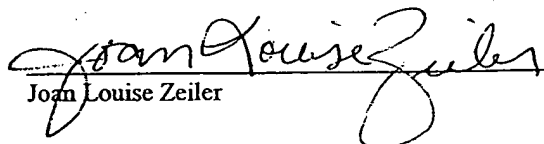
ASSIGNMENT

WHEREAS, I, Joan Louise ZEILER of Malden, Massachusetts, am one of the named inventors for EPI TOPE PEPTIDES IMMUNOGENIC AGAINST STREPTOCOCCUS PNEUMONIAE, for which I have executed an application along with the other inventors for United States Letters Patent which application was filed with the U.S. Patent and Trademark Office on August 24, 2000 and which application has been assigned Serial No. 09/623,038; and

WHEREAS, Medical College of Ohio, of Toledo, Ohio, an instrumentality of the State of Ohio, is desirous of acquiring all my entire interest in and to said invention and any Letters Patent to issue therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to me in hand paid, the receipt whereof is hereby acknowledged, I, Joan Louise Zeiler, do hereby sell, assign and transfer unto the said, Medical College of Ohio, its successors or assigns, my entire right, title and interest in and to said application and invention in the United States and all countries foreign thereto, including the right of priority under the International Convention of 1883 and later modifications thereof, and to any Letters Patent to issue therefor, and we hereby request the Commissioner of Patents and Trademarks of the United States to issue to said company any Letters Patent thereon, in accordance with the terms of this assignment.

I agree to execute any and all documents required by said company, its successors or assigns, for the prosecution of said application, or of any division, continuation, reissue, or reexamination thereof, or for securing foreign patents covering said invention, and also any documents required by it, its successors or assigns, to more fully vest in it or them title to said invention, or to any application or patent that may be filed therefor or secured thereon.


Joan Louise Zeiler

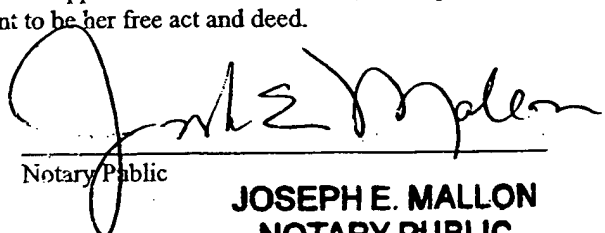
STATE OF MASSACHUSETTS)

COUNTY OF MIDDLESEX)

) ss.

On this 04 day of January, 2000, before me appeared Joan Louise Zeiler, to me personally known, and acknowledged the signing of the above instrument to be her free act and deed.

(SEAL)


Notary Public

JOSEPH E. MALLON
NOTARY PUBLIC
My Commission Expires Dec. 14, 2001

ASSIGNMENT

WHEREAS, I, Maria Anna Julia WESTERINK of Holland, Ohio, am one of the named inventors for EPITOPE PEPTIDES IMMUNOGENIC AGAINST STREPTOCOCCUS PNEUMONIAE, for which I have executed an application along with the other inventors for United States Letters Patent which application was filed with the U.S. Patent and Trademark Office on August 24, 2000 and which application has been assigned Serial No. 09/623,038; and

WHEREAS, Medical College of Ohio, of Toledo, Ohio, an instrumentality of the State of Ohio, is desirous of acquiring all my entire interest in and to said invention and any Letters Patent to issue therefor;

NOW THEREFORE, to all whom it may concern, be it known that for and in consideration of the sum of One Dollar (\$1.00) and other valuable considerations to me in hand paid, the receipt whereof is hereby acknowledged, I, Maria Anna Julia Westerink, do hereby sell, assign and transfer unto the said, Medical College of Ohio, its successors or assigns, my entire right, title and interest in and to said application and invention in the United States and all countries foreign thereto, including the right of priority under the International Convention of 1883 and later modifications thereof, and to any Letters Patent to issue therefor, and we hereby request the Commissioner of Patents and Trademarks of the United States to issue to said company any Letters Patent thereon, in accordance with the terms of this assignment.

I agree to execute any and all documents required by said company, its successors or assigns, for the prosecution of said application, or of any division, continuation, reissue, or reexamination thereof, or for securing foreign patents covering said invention, and also any documents required by it, its successors or assigns, to more fully vest in it or them title to said invention, or to any application or patent that may be filed therefor or secured thereon.

Marijtnsk. e.
Maria Anna Julia Westerink

STATE OF OHIO)
) ss.
COUNTY OF LUCAS)

On this 13th day of December, 2000, before me appeared Maria Anna Julia Westerink, to me personally known, and acknowledged the signing of the above instrument to be her free act and deed.

(SEAL)

John A. Mason
Notary Public
Commission expires 8/19/03

ASSIGNMENT

WHEREAS, WE, GEORGE M. CARLONE, 5243 Sandy Shoals Lane, Stone Mountain, GA 30087, USA; **EDWIN W. ADES**, 4432 Whitewater Creek Road, Atlanta, GA 30327, USA; **JACQUELYN S. SAMPSON**, 4220 Greentree Lane, College Park, GA 30349, USA; and **JEAN A. THARPE**, 2669 Sherman Oaks Drive, Lithonia, GA 30058, USA; employees of the **Department of Health and Human Services**, have invented "**EPITOPE PEPTIDES IMMUNOGENIC AGAINST STREPTOCOCCUS PNEUMONIA**", U.S. Appln. Serial No. 09/623,038, filed August 24, 2000, PCT/US99/04326, filed February 26, 1999, and Provisional Appln. No. 60/076,565, filed March 2, 1998 for which we have made application for Letters Patent of the United States.

WHEREAS, we are the applicant(s) named on the above-identified application for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to entitle **THE UNITED STATES OF AMERICA** [hereinafter **THE GOVERNMENT**] under Paragraph 1(a) of the Executive Order 10096 to the entire right, title, and interest herein, both domestic and foreign; and

WHEREAS, THE GOVERNMENT is desirous of acquiring all domestic and foreign right, title and interest in the above-mentioned invention described in the application for Letters Patent; and

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, we hereby assign and transfer to **THE GOVERNMENT**, represented by the Secretary, Department of Health and Human Services, the full and exclusive rights in and to said invention in the United States and within each and every foreign country in which **THE GOVERNMENT** elects to file and the entire right, title, and interest in and to such applications, and any continuations, continuations-in-part, divisions, reissues or extensions thereof, and

including priority rights as may be filed in the United States and foreign countries, and such Letters Patent as may be granted to be held by **THE GOVERNMENT** to the end of the term for which the same would have been held by the inventors had this assignment not be made.

We further agree to make, execute, and deliver to the Secretary, Department of Health and Human Services, upon request, any and all papers, documents, affidavits, or other instruments that may be necessary in the prosecution of any application or applications for improvements or reissues of Letters Patent, and to assist **THE GOVERNMENT** in every way as may be requested in protecting said invention, provided that any expense of extending such assistance shall be paid by **THE GOVERNMENT**.

IN WITNESS WHEREOF we subscribe our hand(s) and seal(s) on the dates shown below:

10/26/00
Date

10-26-00
Date

10/26/00
Date

10/26/00
Date

George M. Carlone
GEORGE M. CARLONE

Edwin W. Ades
EDWIN W. ADES

Jacquelyn S. Sampson
JACQUELYN S. SAMPSON

Jean A. Sharpe
JEAN A. THARPE

IN WITNESS WHEREOF I SUBSCRIBE MY hand and seal on the
dates shown below:

10/26/00
Date

George M. Carlone
GEORGE M. CARLONE

County of Henry)
State of Georgia) SS

Notary Public, Henry County, Georgia
My Commission Expires June 2, 2004

Subscribed and sworn to before this 26 day of October, 2000.

James Paul Slater
Notary Public - My Commission
Expires: 6/2/2004

IN WITNESS WHEREOF I SUBSCRIBE MY hand and seal on the
dates shown below:

10-26-00
Date

Edwin W. Ades
EDWIN W. ADES

County of Henry)
State of Georgia) SS

Notary Public, Henry County, Georgia
My Commission Expires June 2, 2004

Subscribed and sworn to before this 26 day of October, 2000.

James Paul Slater
Notary Public - My Commission
Expires: 6/2/2004

IN WITNESS WHEREOF I SUBSCRIBE MY hand and seal on the
dates shown below:

10/26/00
Date

Jacquelyn S. Sampson
JACQUELYN S. SAMPSON

County of Henry)
State of Georgia) SS

Notary Public, Henry County, Georgia
My Commission Expires June 2, _____

Subscribed and sworn to before this 26 day of October, 2000.

Samuel D. Slater
Notary Public - My Commission
Expires: 6/2/2004

IN WITNESS WHEREOF I SUBSCRIBE MY hand and seal on the
dates shown below:

10/26/00
Date

Jean A. Sharpe
JEAN A. THARPE

County of Henry)
State of Georgia) SS

Notary Public, Henry County, Georgia
My Commission Expires June 2, 2004

Subscribed and sworn to before this 26 day of October, 2000.

Samuel D. Slater
Notary Public - My Commission
Expires: 6/2/2004